

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ACE HANKE,**

**Plaintiffs,**

**vs.**

**MARTIN O'MALLEY, Commissioner of  
Social Security**

**Defendant.**

**4:23CV3208**

**SECOND ORDER TO SHOW CAUSE**

This matter is again before the Court after review of the docket. Plaintiff, Ace Hanke, filed a Complaint on November 3, 2023, against the Commissioner of Social Security. ([Filing No. 1](#)). Plaintiff contends the Commissioner's final decision to deny his claim for disability benefits was "not supported by substantial evidence and [is] contrary to law and regulation" pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3).

Under General Order No. 2022-13,<sup>1</sup> a plaintiff who wishes to challenge a final decision of the Commissioner must move for an order reversing the Commissioner's decision within thirty days after the filing of the administrative record. In this case, the Commissioner filed the administrative record on March 13, 2024. (Filing Nos. 10-11). Plaintiff did not file the required motion within thirty days, nor requested any extension of the deadline; therefore, on May 1, 2024, the Court entered an order requiring Plaintiff to show cause by May 22, 2024, why his Complaint should not be dismissed, or take other appropriate action. ([Filing No. 17](#)).

On May 22, 2024, Plaintiff filed a motion asking for a 30-day extension of time to file his motion and brief because counsel's research assistant had been hospitalized for more than a month. ([Filing No. 19](#)). The Court granted the requested extension, and provided Plaintiff with an extension to June 24, 2024, to file a motion for an order reversing the Commissioner's decision, or granting other relief, together with a supporting brief. (Filing No. 20). That deadline has come and gone, and Plaintiff again has not file the required motion, nor requested an extension of the deadline. Accordingly,

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<sup>1</sup> The Honorable Robert F. Rossiter, Jr., Chief Judge of the United States District Court for the District of Nebraska, issued General Order No. 2022-13 on December 16, 2022. The Order sets forth the procedures governing all actions filed after December 16, 2022, challenging "a final decision of the Commissioner of the Social Security Administration pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g)."

**IT IS ORDERED** that Plaintiff shall have until **July 31, 2024**, to show cause why his Complaint should not be dismissed for failure to follow the required procedures, or take other appropriate action.

Dated this 9<sup>th</sup> day of July, 2024.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge